

SENATE JOURNAL

SEVENTY-THIRD LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIRST DAY

(Tuesday, January 12, 1993)

In accordance with the Constitution and Laws of the State of Texas, the Senate of the 73rd Legislature met in the Rotunda of the State Capitol on Tuesday, the twelfth day of January, 1993, at 12:00 noon.

The Honorable Bob Bullock, Lieutenant Governor and President of the Senate, called the Senate to order.

The Reverend Will Davis, Jr., of Springdale Baptist Church, Fort Worth, offered the invocation as follows:

Our Father, we thank You for this great day. We thank You, Lord, for this historic occasion. Father, I thank You for the men and women here today who have dedicated themselves to working for and serving the people of this State of Texas, this great state, Lord. I pray, Father, for them as they gather today, that You, Lord, will impart to them Your wisdom, Your strength, and, Father, a great sense of what is right by Your standards. I pray, Father, they will not just be alert to what is expedient or to what might be the quickest solutions to the problems and issues they will face in the coming months. But I pray, Father, You will give them a sense of how You would respond. I pray, Father, You will impart to them Your justice, Your faithfulness, Your integrity, and, Lord, Your righteousness. We thank You for the sacrifices they have made to be here. I pray, Father, You will bless those who serve. I thank You, Father, for our Governor, Ann Richards, for our Lieutenant Governor, Bob Bullock, and for all those who serve with them. I ask You, Father, to bless their households and their service here. Father, I pray for all these who serve, that they will have a tremendous sense of accountability and responsibility, not just to the people of this state, but, Lord, to You. We love You. We pray now for Your wisdom and Your blessing on all those who serve here. We pray these things in Jesus' name. Amen.

INTERPRETER FOR THE DEAF

The interpretation of the proceedings of the Senate was provided by Ella Anderson.

ACKNOWLEDGMENT

The President acknowledged the presence of the Honorable Ann W. Richards, Governor of Texas.

MESSAGE FROM THE SECRETARY OF STATE

The following message from the Secretary of State was read and was filed with the Secretary of the Senate:

**THE STATE OF TEXAS
SECRETARY OF STATE**

I, JOHN HANNAH, JR., Secretary of State of the State of Texas, DO HEREBY CERTIFY that according to the records of this office the attached is a true and correct list, in alphabetical order, of the members of the Senate of the 73rd Legislature, 1993, whose election on November 3, 1992, has been duly and legally certified to this office.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused to be impressed hereon the Seal of State at my office in the City of Austin, Texas, this 16th day of December, A.D. 1992.

/s/John Hannah, Jr.
SECRETARY OF STATE

ROLL CALL OF SENATORS-ELECT

The President directed the Secretary of the Senate to call the roll of the Senators-elect as certified by the Secretary of State.

The roll was called and the following Senators-elect answered to their names:

The Honorable Ken Armbrister, representing the Eighteenth Senatorial District composed of: Aransas, Austin, Bastrop, Caldwell, Calhoun, Colorado, DeWitt, Fayette, part of Fort Bend, Goliad, Gonzales, part of Hays, Jackson, Karnes, Lavaca, Matagorda, Refugio, Victoria, and Wharton counties.

The Honorable Gonzalo Barrientos, representing the Fourteenth Senatorial District composed of: Part of Hays and part of Travis counties.

The Honorable Teel Bivins, representing the Thirty-first Senatorial District composed of: Andrews, Armstrong, Bailey, Carson, Cochran, Dallam, Deaf Smith, part of Ector, Gaines, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Midland, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, and Yoakum counties.

The Honorable J. E. "Buster" Brown, representing the Seventeenth Senatorial District composed of: Part of Brazoria, part of Fort Bend, and part of Harris counties.

The Honorable Steve A. Carriker, representing the Thirtieth Senatorial District composed of: Archer, Baylor, Briscoe, Childress, Clay, Collingsworth, Cooke, Cottle, part of Denton, Dickens, Donley, Fisher,

Foard, Grayson, Hall, Hardeman, Haskell, Jack, Jones, Kent, King, Knox, Montague, Motley, Scurry, Stephens, Stonewall, Throckmorton, Wheeler, Wichita, Wilbarger, and Young counties.

The Honorable Rodney Ellis, representing the Thirteenth Senatorial District composed of: Part of Fort Bend and part of Harris counties.

The Honorable Bill Haley, representing the Third Senatorial District composed of: Angelina, Cherokee, Hardin, Henderson, Jasper, part of Montgomery, Nacogdoches, Newton, Polk, Sabine, San Augustine, San Jacinto, Shelby, part of Smith, and Tyler counties.

The Honorable Chris Harris, representing the Tenth Senatorial District composed of: Part of Johnson, part of Parker, and part of Tarrant counties.

The Honorable O. H. "Ike" Harris, representing the Eighth Senatorial District composed of: Part of Dallas and part of Tarrant counties.

The Honorable Don Henderson, representing the Seventh Senatorial District composed of: Part of Harris County.

The Honorable John N. Leedom, representing the Sixteenth Senatorial District composed of: Part of Dallas County.

The Honorable Eddie Lucio, Jr., representing the Twenty-seventh Senatorial District composed of: Cameron, part of Hidalgo, and Willacy counties.

The Honorable Gregory Luna, representing the Nineteenth Senatorial District composed of: Part of Bexar County.

The Honorable Frank Madla, representing the Twenty-fourth Senatorial District composed of: Atascosa, part of Bexar, Duval, Frio, Jim Hogg, Jim Wells, Live Oak, McMullen, Starr, Wilson, and Zapata counties.

The Honorable Mike Moncrief, representing the Twelfth Senatorial District composed of: Part of Dallas and part of Tarrant counties.

The Honorable John T. Montford, representing the Twenty-eighth Senatorial District composed of: Borden, Castro, Crane, Crosby, Dawson, part of Ector, Floyd, Garza, Glasscock, Hale, Hockley, Howard, Lamb, Loving, Lubbock, Lynn, Martin, Reagan, Swisher, Terry, Upton, Ward, and Winkler counties.

The Honorable Jane Nelson, representing the Twenty-second Senatorial District composed of: Bosque, Comanche, part of Denton, Eastland, Erath, Hamilton, Hood, part of Johnson, Palo Pinto, part of Parker, Somervell, part of Tarrant, and Wise counties.

The Honorable Carl A. Parker, representing the Fourth Senatorial District composed of: Chambers, part of Galveston, part of Harris, Jefferson, Liberty, part of Montgomery, and Orange counties.

The Honorable Jerry Patterson, representing the Eleventh Senatorial District composed of: Part of Brazoria, part of Galveston, and part of Harris counties.

The Honorable Bill Ratliff, representing the First Senatorial District composed of: Bowie, Camp, Cass, Delta, Franklin, Gregg, Harrison, Hopkins, Lamar, Marion, Morris, Panola, Red River, Rusk, Titus, and Upshur counties.

The Honorable Peggy Rosson, representing the Twenty-ninth Senatorial District composed of: Part of El Paso County.

The Honorable Florence Shapiro, representing the Second Senatorial District composed of: Collin, Fannin, Hunt, Kaufman, Rains, Rockwall, part of Smith, Van Zandt, and Wood counties.

The Honorable Dan Shelley, representing the Sixth Senatorial District composed of: Part of Harris County.

The Honorable David Sibley, representing the Ninth Senatorial District composed of: Part of Dallas, Ellis, Hill, McLennan, Navarro, and part of Tarrant counties.

The Honorable Bill Sims, representing the Twenty-fifth Senatorial District composed of: Bandera, Brown, Callahan, Coke, Coleman, Concho, Coryell, Crockett, Edwards, Gillespie, Irion, Kerr, Kimble, Lampasas, Llano, McCulloch, Mason, Menard, Mills, Mitchell, Nolan, Real, Runnels, San Saba, Schleicher, Shackelford, Sterling, Sutton, Taylor, and Tom Green counties.

The Honorable Carlos F. Truan, representing the Twentieth Senatorial District composed of: Bee, Brooks, part of Hidalgo, Kenedy, Kleberg, Nueces, and San Patricio counties.

The Honorable Jim Turner, representing the Fifth Senatorial District composed of: Anderson, Brazos, Burleson, Falls, Freestone, Grimes, Houston, Lee, Leon, Limestone, Madison, Milam, Robertson, Trinity, Walker, Waller, Washington, and part of Williamson counties.

The Honorable Jeff Wentworth, representing the Twenty-sixth Senatorial District composed of: Bell, part of Bexar, Blanco, Burnet, Comal, Guadalupe, Kendall, part of Travis, and part of Williamson counties.

The Honorable Royce West, representing the Twenty-third Senatorial District composed of: Part of Dallas County.

The Honorable John Whitmire, representing the Fifteenth Senatorial District composed of: Part of Harris County.

The Honorable Judith Zaffirini, representing the Twenty-first Senatorial District composed of: Part of Bexar, Brewster, Culberson, Dimmit, part of El Paso, Hudspeth, Jeff Davis, Kinney, La Salle, Maverick, Medina, Pecos, Presidio, Reeves, Terrell, Uvalde, Val Verde, Webb, and Zavala counties.

OATH OF OFFICE ADMINISTERED TO SENATORS-ELECT

The President requested the Senators-elect to stand and then administered to them the Constitutional Oath of Office as follows:

I, _____, do solemnly swear, that I will faithfully execute the duties of the office of a member of the Senate of the 73rd Legislature of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.

The President announced a quorum of the Senate present.

SENATE RESOLUTION 1
(Caucus Report)

Senator Harris of Dallas offered the following resolution:

Honorable Bob Bullock
Lieutenant Governor
Senate of Texas
Austin, Texas

Sir:

At a caucus held in the office of the Senate attended by 31 Members of the Senate, the following recommendations were made, to wit:

BE IT RESOLVED by the Senate, That:

The following officers were elected to serve for the 73rd Legislature, Regular Session, at the will of the Senate:

Secretary of the Senate - Betty King
Calendar Clerk - Pat Rodgers
Doorkeeper - James Morris
Enrolling Clerk - Patsy Spaw
Journal Clerk - Dianne Arrington
Sergeant-at-Arms - Carleton Turner
Status Clerk - Susan Longley

All officers and employees appointed by this caucus shall hold their office of employment for the duration of the 73rd Legislature, Regular Session.

It is recommended that the Lieutenant Governor and the Secretary of the Senate each be permitted to name secretarial staff and assistants at salaries designated by the Lieutenant Governor and the Administration Committee respectively. The Parliamentarian, Bob Johnson, is to be named by the Lieutenant Governor.

It is further recommended that the Administration Committee appoint a sufficient number of custodians, messengers, elevator operators, porters, and other employees as may be necessary. The Lieutenant Governor is authorized to designate any member of the Senate or Senate staff to attend official meetings of national governmental organizations during the 73rd Legislature, Regular Session, while in session. Actual and necessary expenses are hereby authorized as reimbursement for such trips. The Lieutenant Governor shall have the authority to designate a member of the Senate to represent the Senate at ceremonies and ceremonial functions. Necessary expenses for performance of these duties and for necessary staff are hereby authorized to be paid pursuant to a budget approved by the Administration Committee.

It is further recommended that each Senator shall be permitted a maximum payroll of \$20,000 per month for secretarial and other office staff and for intrastate travel expenses for staff employees. Any unexpended portion of this amount may be carried forward from month to month until the end of the fiscal year. In order to accrue vacation leave, compensatory/overtime leave, or sick leave, employees of members must file monthly time sheets with the Senate Personnel Office by the 10th of the month following the month in which work was performed. Employees of members and committees must use compensatory/overtime accrued in a given month by the end of the same month of the following year. Compensatory/overtime accrued prior to January 1, 1993, will not be carried forward after January 1, 1994. No compensatory/overtime will be paid at either the end of the fiscal year or at an employee's termination.

Beginning with the 73rd Legislature, Regular Session, the Secretary of the Senate is authorized to order reimbursement for legislative expenses consistent with this resolution and the establishment by the Ethics Commission of per diem rates.

The Lieutenant Governor, Senators, and the Secretary of the Senate are hereby fully authorized and empowered to use any assistant Sergeant-at-Arms and all other necessary employees for any and all services needed in and about the Senate.

It is further recommended that the Lieutenant Governor, each Senator, and the Secretary of the Senate be permitted to subscribe for newspapers as necessary to be paid out of the contingent fund and be allowed the stationery and postage needed by them respectively, and expenses incurred in transmitting and receiving telephone and express charges as may be actually necessary in the discharge of their official duties, said expenses to be paid out of the contingent fund.

It is further recommended that not to exceed 700 journals be printed, all of which shall be prorated among the Senators and Lieutenant Governor, except that 175 journals shall be furnished the members of the House.

It is further recommended that the Legislative Reference Library be furnished 60 copies of the daily journal.

It is further recommended that all salaries and expenses herein authorized to be incurred and paid for shall be paid out of the per diem and contingent expense fund of the 73rd Legislature as follows: The Senate shall request the State Comptroller of Public Accounts to issue general revenue warrants for the payment of the employees of the Lieutenant Governor's office, the Lieutenant Governor, Members of the Senate, employees of the Senate committees, and employees of the Senate, except as provided in Section 301.030, Government Code, upon presentation of the payroll account signed by the Chairman of the Administration Committee and the Secretary of the Senate; and for the payment of materials, supplies, and expenses of the Senate, including travel expenses for Members and employees, upon vouchers signed by the Chairman of the Senate Committee on Administration and the Secretary of the Senate.

The Administration Committee is directed to formulate policies regarding the signing of purchase vouchers by vendors and the timely filing of vouchers for reimbursement.

It is further recommended that no employee of the Senate shall, during the time employed by the Senate, furnish to any person, firm, or corporation any information other than general information furnished the public pertaining to the Senate, and the employee shall not without permission receive any compensation from any person, firm, or corporation during employment by the Senate, and any employee found guilty of violating this provision shall be immediately discharged.

All employees, except those responsible directly to the Lieutenant Governor, Members of the Senate, Secretary of the Senate, committee, or the head of a department, shall report for duty at 8 a.m. and 1:00 p.m. each day to the Sergeant-at-Arms of the Senate, except part-time employees, who shall report at the place and time directed by the Sergeant-at-Arms, and none of such employees shall be paid for the days they are absent from the Senate, unless excused by the Sergeant-at-Arms.

It is further recommended that the chairman of each standing committee shall have authority to employ such additional employees of his own selection as may be needed by the committee, the employees to receive the same compensation paid similar positions as herein fixed, and to discharge the duties of the standing committee, subject to the approval of the Administration Committee.

It is further recommended that no employee of the Senate, except one whose official duties require the employee to work upon the floor of the Senate, shall have access to the floor unless that employee shall have been requested by a Senator, the Lieutenant Governor, or the Secretary of the Senate to come on the floor for some official duty, after the performance of which the employee shall immediately leave the floor of the Senate. The Sergeant-at-Arms is specifically ordered to see that this provision is carried out.

Only those who have privileges of the floor during the session of the Senate shall be permitted on the Senate floor for a period of 30 minutes prior to the time the Senate convenes and 30 minutes after the Senate adjourns. The Sergeant-at-Arms is instructed to enforce this rule and to permit only those having the privileges of the floor to enter or remain on the Senate floor during such 30-minute periods.

Respectfully submitted,

O. H. HARRIS

Chairman of the Caucus

The resolution was read and was adopted by a viva voce vote.

**ELECTION OF PRESIDENT PRO TEMPORE FOR REGULAR
SESSION OF THE SEVENTY-THIRD LEGISLATURE**

The President announced the time had arrived for the election of the President Pro Tempore for the Regular Session of the 73rd Legislature.

Senator Barrientos placed in nomination the name of Senator John T. Montford of Lubbock as President Pro Tempore of the Senate, 73rd Legislature, Regular Session.

Senators Harris of Dallas, Turner, Parker, and Bivins seconded the nomination.

The President declared that the Honorable John T. Montford had been duly elected President Pro Tempore of the 73rd Legislature, Regular Session.

The President then asked Senator Montford, his wife Debbie, and their daughter Mindy to approach the President's rostrum.

The President administered the Constitutional Oath of Office to Senator Montford as President Pro Tempore of the 73rd Legislature, Regular Session, as follows:

I, John T. Montford, do solemnly swear, that I will faithfully execute the duties of the office of President Pro Tempore of the Senate of the 73rd Legislature of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.

Senator Montford briefly addressed the Senate.

CAPITOL PHYSICIAN

Senator Truan was recognized and presented Dr. Jose Ugarte of Kingsville as the "Doctor for the Day."

The Senate welcomed Dr. Ugarte and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

MEMORIAL RESOLUTION

S.R. 4 - By Truan: In memory of Billy Wayne Marburger of Sinton.

CONGRATULATORY RESOLUTIONS

S.R. 3 - By Sibley: Congratulating the Waxahachie High School football team for winning the 4A State Championship for 1992.

S.R. 5 - By Sims: Congratulating Mr. and Mrs. Floyd Harmon of Robert Lee on their 60th wedding anniversary.

S.R. 6 - By Sims: Congratulating Mary and Herbert C. Hawkins of Albany on their 50th wedding anniversary.

S.R. 7 - By Sims: Congratulating Mr. and Mrs. Ben Flynn of Coleman on their 50th wedding anniversary.

S.R. 8 - By Sims: Congratulating Mr. and Mrs. Richard L. Strube of Fredericksburg on their 50th wedding anniversary.

S.R. 10 - By Ellis: Congratulating Carmen Young Kelsey of San Antonio on the occasion of her appointment as Judge of the 289th District Court.

ADJOURNMENT

On motion of Senator Harris of Dallas, the Senate at 12:24 p.m. adjourned until 11:00 a.m. tomorrow.

SECOND DAY

(Wednesday, January 13, 1993)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Parker.

A quorum was announced present.

Pastor Kathryn Longley, Interim Pastor, University Methodist Church, Austin, offered the invocation as follows:

Holy and living God, this Senate is called together today—women and men charged with the challenging responsibility of fulfilling the trust placed in each individual member by the people of the State of Texas.

Many come with apprehension and uncertainty as to term lengths, committee assignments, and the magnitude of the issues to be decided. Help them to be strengthened and reassured by the confidence that comes from trusting in You.

Keep always before us the knowledge that each of us, each person we come in contact with, and each person that our decisions affect, was created in Your image according to Your purpose. We are especially mindful of the school children—the embodiment of our future and our hope. Be with each individual in this room as they work toward creating and funding a school system that is founded upon the worth, dignity, and potential You provide through creation. Help them to move from seeing all of their past efforts with weariness and discouragement to a new understanding of that previous work as foundational and preparatory in creating fertile ground in which new ideas and solutions can flourish. Help them to remember that just as You created in the beginning, You continue to create today.

In all of the challenges that lie ahead, make Your wisdom, will, and direction known. Push us past our own egos, pettiness, and narrow self-interest to new vision centered in equality and justice.

We pray this for our sakes, and for the sake of the future which You have called us to shape. Amen.